

Assembly Joint Resolution No. 44

RESOLUTION CHAPTER 164

Assembly Joint Resolution No. 44—Relative to veterans.

[Filed with Secretary of State September 9, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 44, Bloom. Veterans' benefits.

This measure would urge the Department of Defense, Congress, and the President to create a more efficient process of upgrading the status of those who were "dishonorably" or other than honorably discharged from the Armed Forces of the United States, and to provide benefits, including applicable spousal benefits, to those veterans discharged solely on the basis of their sexual orientation.

WHEREAS, In 1993, Congress adopted a policy known as Don't Ask, Don't Tell (DADT), prohibiting service personnel from inquiring, or volunteering information, about their sexual orientation. Prior to 1993, federal law and military regulations prohibited homosexuality in the Armed Forces of the United States; and

WHEREAS, From 1980 until the repeal of DADT in 2011, over 32,000 service personnel were separated from the Armed Forces of the United States under DADT and its predecessor policies; and

WHEREAS, More than 13,000 service personnel were separated from the Armed Forces of the United States after the adoption of DADT. Approximately one-quarter of these discharges occurred during the service member's first four months of service; and

WHEREAS, California law prohibits discrimination on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability; and

WHEREAS, Generally, veterans separated from the military with a discharge that is characterized as "dishonorable" or "other than honorable" are ineligible to receive federal or state veterans' benefits, including applicable spousal benefits; and

WHEREAS, Section 711.1 of the Military and Veterans Code assists veterans by requiring the Department of Veterans Affairs to provide Internet resources, Internet links, and printed materials regarding, or created by, veterans' legal services organizations that specialize in military discharge upgrades, or links to Internet resources that provide information and printed resources provided by veterans' legal services organizations. It also provides that if the federal government acts to provide benefits to discharged veterans who were denied those benefits solely on the basis of sexual orientation pursuant to any federal policy prohibiting homosexual personnel from

serving in the Armed Forces of the United States, the state shall provide to those veterans any state-offered benefits; and

WHEREAS, We must work to ensure that California veterans who were discharged solely on the basis of their sexual orientation can access benefits regardless of the classification of their discharge; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature urges the Department of Defense, Congress, and the President to create a more efficient process of upgrading the status of those who were “dishonorably” or other than honorably discharged from the Armed Forces of the United States, and to provide benefits, including applicable spousal benefits, to those veterans discharged solely on the basis of their sexual orientation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the Department of Defense.